

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Commodity Futures Trading Commission,

Plaintiff,

v.

Bayou Management LLC, Samuel Israel III
Daniel E. Marino, and Richmond Fairfield
Associates, Certified Public Accountants
PLLC,

Defendants.

:
:
: Case No. 05-cv-8374 (CM)
:
:
:

: PLAINTIFF'S AFFIDAVIT IN
: SUPPORT OF REQUEST FOR
: ENTRY OF DEFAULT AGAINST
: DEFENDANT DANIEL E. MARINO
:
:
:

I, Christine M. Ryall, hereby make the following declaration based upon my personal knowledge:

1. I am attorney to the Plaintiff, Commodity Futures Trading Commission, in the case captioned above.

2. Plaintiff filed its Complaint in this matter on September 29, 2005.

3. Pursuant to F.R.Civ.P. 4, a proper Summons directed to defendant Daniel E. Marino ("Marino") was signed and sealed by the Clerk of Court. The Summons and Complaint were served on defendant Marino via his attorney Andrew Bowman, per agreement, on October 19, 2005. The proof of service was filed with the Clerk of Court on October 26, 2005.

4. The time within which defendant Marino may answer or otherwise move with respect to the Complaint has expired; said defendant has not answered or otherwise moved with respect to the Complaint, and the time for defendant to do so has not been extended.

5. Defendant Marino is not an infant or incompetent. Defendant Marino is not presently in the military service of the United States.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Dated: February 17, 2006
Washington, DC

By: /s/ Christine M. Ryall
Christine M. Ryall

Certificate of Service

I hereby certify that on February 17, 2006, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and/or the Southern District's Local Rules on Electronic Service upon the following parties and participants:

Lawrence S. Bader, Esq.
Morvillo, Abramowitz, Grand, Iason &
Silberberg, P.C.
565 Fifth Avenue
New York, NY 10017
Attorney to Defendant Samuel Israel

Bayou Management LLC
c/o Samuel Israel, Managing Member
c/o Lawrence S. Bader, Esq.
Morvillo, Abramowitz, Grand, Iason &
Silberberg, P.C.
565 Fifth Avenue
New York, NY 10017

Andrew Bowman, Esq.
1804 Post Road East
Westport, CT 06880
Attorney to Defendant Daniel E. Marino

Richmond Fairfield Associates, Certified
Public Accountants PLLC
c/o Daniel E. Marino, Managing Member
c/o Andrew Bowman, Esq.
1804 Post Road East
Westport, CT 06880

/s/ Christine M. Ryall
Christine M. Ryall (CR 6041)
Commodity Futures Trading Commission
Division Of Enforcement
Three Lafayette Center
1155 21st Street, NW
Washington, DC 20581
(202) 418-5318

